

**Submission
No 107**

**ANTI-DISCRIMINATION AMENDMENT (RELIGIOUS FREEDOMS AND
EQUALITY) BILL 2020**

Name: Mr Peter Newland

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Submission to the:

21 August 2020

**Joint Select Committee on the Anti-Discrimination Amendment
(Religious Freedoms and Equality) Bill 2020**

I fully support the Bill apart from one consideration.

In numerous places the wording "*of a particular religion*" is problematical. ***Who is to define "a particular religion"?*** That's a Lawyer's picnic that facilitates and perhaps even encourages 'lawfare' against defendants/respondents. It risks creating more friction and discrimination that suppresses freedom: suppresses freedom of conscience, speech, action, and association - whether those freedoms are expressed as 'religious' or not.

For example: Bernard Gaynor could perhaps claim his Catholic beliefs, but there are LGBT Catholic groups. Victorian GP, Dr Jereth Kok, could claim his Christian beliefs, but some Christian groups accept same-sex marriage and/or abortion and others do not. Yet because of Dr. Kok's conscientious beliefs, held for both medical and 'religious' reasons on those subjects, his freedom to practice as doctor has been denied. That's why Queensland and Victorian residents have a strong interest in NSW law.

When the draft law says: "of a particular religion", exactly which particular religion: Atheism, Buddhist, Christian, ... Hinduism, Islam, ... Zoroasterism etc. But each 'religion' has many different subsets. For example: Anglicans, a subset of Christianity, can include further subsets such as 'High' or 'Low' and further sub-subsets such as whether members or officials are considered acceptable if they hold or practice LGBT beliefs.

Clearly this is a minefield. The problem is that people or clubs or organisations may hold very strong conscientious beliefs on a wide range of matters that are not necessarily held because they follow "a particular religion". E.g. Consider clubs, schools or businesses set up for one particular gender: Male, Female, Lesbian, Gay, TransMale (genetic XX) or TransFemale (genetic XY) etc. Each may hold strong conscientious beliefs that could be associated with the beliefs and practices of "a particular religion" or may be held for other conscientious reasons that do not identify with "a particular religion" yet each should have the right to determine their membership, employees, or clients according to their sincerely held conscientious beliefs.

Hence I propose replacing words such as:

conducted in accordance with ~~the doctrines, tenets, beliefs or teachings of a particular religion~~, with:

conducted in accordance with **their conscientiously held beliefs**.

And with appropriate adjustments elsewhere.

In summary; ***Freedom is the key issue, not 'religion'*** .

If we have freedom of conscience, speech, action and association for all, within normal limits as spelt out in UN documents, that inherently includes freedom of 'religion' and removes much of the 'lawfare' risks caused by the current poorly framed anti-discrimination laws.

Yours Sincerely, Peter Newland,

